

BENSALEM TOWNSHIP ZONING BOARD MEETING

FEBRUARY 6th, 2020

7:00 p.m.

Attendance:

Present:

Joann Redding, Chairwoman

Albert Champion, Vice Chairman

Matthew McHugh, Solicitor

Ken Farrall, Zoning Officer

Michael Brill, Member

George Seymour, Member

Harry Kramer, Member

**ITEM 1: MEETING OPENED WITH PLEDGE OF ALLEGIANCE.**

**ITEM 2: INTRODUCTION OF BOARD MEMBERS AND THE STATEMENT OF RULES AND PROCEDURES BY MATTHEW MCHUGH.**

Matthew McHugh stated that the Zoning Board is Appointed but otherwise Independent. He stated that there are 5 Voting Members and that a majority must vote to approve a variance request. He stated the Rules and Procedures for the Board and Applicants.

**ITEM 3: APPROVAL OF MINUTES – JANUARY 9th, 2020.**

**MOTION: To Approve the Minutes January 9th, 2020**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: Harry Kramer**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**  
**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**ITEM 4: CONTINUED HEARING FOR FRANK MERZ APPEAL # 2019 – 3383**

**Location: 3430 Trevoise Road**

**Tax Parcel: 02 – 004 -150**

**Request: Variance for lot area yards density and steep slope disturbance to construct single home.**

Matthew McHugh stated that received Correspondence from Applicant's counsel for a Continuance.

**MOTION: To Approve Continuance to March Meeting for Frank Merz Appeal # 2019 - 3383**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**ITEM 5: CONTINUED HEARING FOR WILLIAM AND GENEVIEVE FLANNERY APPEAL # 2019 – 4221**

**Location: 1430 Wells Drive**

**Tax Parcel: 02 – 070 -007 – 010**

**Request: Variance to permit disturbance of steep slopes and expansion of a non - conforming Commercial Building.**

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Mr. McGinnis is Attorney for Applicant and stated that this is a Continuance from November 25th, 2019.

Heath Dumack, Engineer and Tracey Flannery sworn in.

Mr. McGinnis stated that the requirement is 20ft. and it is 19.76ft., man made steep slopes and also seeking approval for a Commercial Building 80% Office and 20% Warehouse. No issue with the parking.

Mr. McGinnis introduced Tracey Flannery as Owner of Flannery Automotive and stated that they're out of storage space.

Mr. McGinnis introduced Mr. Heath Dumack as the Engineer and stated that Mr. Dumack testified that it is 6% over what is allowable and that there's no other way to accomplish the building without disturbing the slope.

Matthew McHugh to Mr. Dumack, You have heard what Mr. McGinnis stated. Would your testimony be the same? Mr. Dumack's answer to the question was "Yes".

Albert Champion stated that would like to see the Storm Water Management after disturbing the slope.

Mr. Dumack stated that there's going to be french drains behind the addition off the drain spout and that it won't go toward the neighbor.

Albert Champion asked if a retaining wall?

Mr. Dumack's answer to the question was "No".

Mr. Dumack stated when get to land development the Storm Water Management will be discussed; it was completed with a 'back of a napkin sketch' and also stated that they're not here for Storm Water Management.

Joann Redding stated "Make us feel comfortable"

Albert Champion stated that there is concern that the neighbors might have issue with Storm Water Management.

Mr. McGinnis stated that the Applicant is sensitive to the neighbors in Hidden Meadow which is located behind the Business.

Joann Redding asked if anybody in the Audience would like to speak for/against this Application?

Thomas Aquinak, was sworn in, neighbor 25 years at 3614 Valley Meadow.

Behind the tree line is extra noise and traffic, don't see but can hear it. Stated that showed up at meeting in November but that there has been no additional information, it is not being shared with neighborhood. Against it.

Stephen Pawlowski, neighbor 40 years at 3640 Valley Meadow Drive, Adjacent property directly behind Flannery property. The noise is not from Flannerys but other Companies. Mr. Pawlowski supports the expansion, keeps people hired. The swell behind it had damaged trees, they cleaned it up and agreed to address the drainage. Also say that they'll plant additional trees, very cooperative and a good neighbor.

Anthony Richvuto, 3630 Hidden Meadow Drive. Mr. Richvuto stated that he is speaking on behalf of the neighborhood. It was wetlands. Mr. Richvuto stated that he spoke with Tracey

Flannery. They would like a buffer vicinity maintained by Flannerys and any damaged trees be pruned or replaced, not evergreen trees. Keep vicinity clean. Mr. Richvuto stated that Tracey is doing that. They want no windows or doors at back of the building, they want privacy. Mr. Richvuto stated that there's a slow discharge causing stagnant water and believes that what Mr. Dumack is saying they'll do, will be ineffective.

Joann Redding stated to Mr. Richvuto that's land development and it can be addressed at that point.

Mr. Richvuto stated that they would like to see it approved.

Mr. McGinnis stated that will notify Mr. Richvuto when it goes to Land Development.

Albert Champion stated to also include Mr. Pawlowski and Mr. Aquinak

Mr. McGinnis stated that will include them too.

Joann Redding stated it is not that big of a building.

Albert Champion stated that is happy to see that Flannerys is discussing with neighbor.

Joanne asked for a Motion to Close Testimony.

**MOTION: To Close Testimony for William and Genevieve Flannery Appeal # 2019 - 4221**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: Albert Champion**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: To Approve Variance to permit disturbance of steep slopes and expansion of a non - conforming Commercial Building for William and Genevieve Flannery Appeal # 2019 - 4221**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that is giving a copy of the decision to the Applicant.

**ITEM 6: CONTINUED HEARING FOR MATTHEW AND DIANE TORRES APPEAL # 2019 – 4224**

**Location: 4219 Roberts Circle**

**Tax Parcel: 02 – 077 – 006**

**Request: Variance to have a stone driveway.**

This Appeal was not for February Meeting, it was Continued to June Meeting.

**ITEM 7: DECISION FOR INSPIRE FEDERAL CREDIT UNION APPEAL # 2019 - 4225**

**Location: Hulmeville and Galloway Road**

**Tax Parcel: 02 – 041 – 022 – 002**

**Request: Variances for frontage and side yard setbacks to construct a Financial Institution.**

Matthew McHugh stated to the Board that the record is Closed, that the Board has the Minutes and the only thing for them to do is to make a Decision for Inspire Federal Credit Union Appeal # 2019 - 4225.

Joann Redding asked for a Motion

**MOTION: To Deny Variances for Front and Side Yard Setbacks And Buffer Yard To Construct A Financial Institution for Inspire Federal Credit Union Appeal # 2019 - 4225.**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED : 5 – 0**

Matthew McHugh stated that the Decision will be served in accordance to Code to the Applicant's Attorney.

**ITEM 8: CONTINUED HEARING FOR JOHN MORTON APPEAL # 2019 - 4526**

**Location: Mulberry Avenue**

**Tax Parcel: 02 - 005 - 359**

**Request: Variance for frontage and side yard setback to construct a single-family dwelling.**

Matthew McHugh stated that this is a Continued Hearing from January meeting because the Applicant had no Agreement of Sale.

John Morton was sworn in.

Dennis Long, 3669 Trevoise Avenue was sworn in.

Matthew McHugh asked Mr. Long if Mr. Long was the owner of the Property?

Mr. Long stated that Yes, he was the owner of the Property.

Matthew McHugh asked Mr. Long if he saw the Application?

Mr. Long stated that Yes, he saw the Application.

Matthew McHugh asked Mr. Long, "Do you give Mr. Morton consent to proceed with this Application?"

Mr. Long - "Yes".

Matthew McHugh stated to Mr. Morton that Mr. Morton can continue proceed with Application Request.

Mr. Morton stated that is building a small single-family dwelling under 2000 sq. ft., it is short on the frontage, wants to put it close to the road because of the slope in the back.

Mr. Long has stated that has owned property since 2001 and that it is a separate lot with a tax parcel, it was not recently subdivided and that no house is on the property.

Albert Champion asked if any parking issues?

Mr. Long answered the question, "No".

Joann Redding asked if anybody in the Audience would like to speak for/against this Application?

No Audience Member

Joann Redding asked for a Motion to Close Testimony.

**MOTION: To Close Testimony For Continued Hearing for John Morton Appeal # 2019 - 4526**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: To Approve Variance for Lot Frontage and Side Yard Setback to Construct A Single-Family Home For John Morton Appeal # 2019 - 4526**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that is giving a copy of the Decision to the Applicant.

**ITEM 9: HEARING FOR ECHO BENSALLEM LLC APPEAL # 2020 - 0156**

**Location: 2721 Street Road**

**Tax Parcel: 02 - 037 - 060, 02 - 037 - 060 - 001, 02 - 037 - 60 - 003**

**Request: Variance for Off Street Parking/Appealing Zoning Determination that Gasoline Pumps are not permitted accessory use.**

B - 1: Letter to Applicant

B - 2: Proof of Posting

B - 3: Proof of Publication

A - 1: Application and Accompanying Documents

A - 2: Certificate of Service

Matthew McHugh stated that everything appeared to be in order.

Greg Adelman is Attorney for the Applicant.

Mr. Adelman stated that Applicant is looking to get Accessory Use Variance to be able to construct fueling gas pumps.

Was advised that not permitted use in GC Zoning District.

Mr. Adelman introduced Brian Myers, Engineer and Frank Tavani , Traffic Engineer and gave their qualifications.

Matthew McHugh asked the Board if any questions regarding the qualifications?  
The Board's answer was No.

Mr. Myers, of Landcore Engineering was sworn in.  
Mr. Tavani, of F. Tavani and Associates was sworn in.

Mr. Myers stated that 4 pumps 8 fueling locations in the Southern end of the Giant Parking Lot along with Interconnection Road to the adjoining Shopping Center.

Mr. Adelman ask if would lose any parking?  
Mr. Myers stated that would lose 44 spaces for a total of 393.

Mr. Adelman stated that in the Southeast 185 Giants and 100 have gas pumps.  
Mr. Adelman asked Mr. Myers In the GC district Is this considered a general accessory use?  
Mr. Myers said it was not.

Mr. Adelman asked Mr. Myers to describe the Interconnect Road.  
Mr. Myers stated it would connect along the front of Giant and go across to the adjacent shopping center and vehicles would be able to go back and forth to alleviate traffic.  
Mr. Adelman stated that the Mr. Tavani, the Traffic Engineer would testify to that.

Joann Redding asked what about parking spaces close to the pumps?  
Mr. Adelman stated that the Traffic Engineer can explain why.

Michael Brill stated that is already difficult to park not enough spaces for the other stores.  
George Seymour has issue with connecting to the adjacent shopping center.

Mr. Adelman stated that it was discussed with the Township and it was seen as a benefit.

Joann Redding stated that she has a parking concern with the lot.

Michael Brill stated parking is difficult now and this is going to make it worse.

Mr. Adelman stated to let the Traffic Engineer testify and then can discuss it.

Mr. Tavani, Traffic Engineer stated that they observed parking and spoke to Store Manager to confirm the busiest day and time. During peak observation period Sunday at 1:00p.m., 174 vehicles were located in front of Giant. 393 total parking spots will be available after the gas pumps are constructed. Of those spaces, 250 will be located in front of Giant making the proposed parking adequate. The pumps will be located close to Street Road not the building.

Mr. Tavani stated that there are 3 components to who will use the gas pumps.

New trip pump related traffic who get gas and go.

Pass - by traffic who see gas and divert to get gas, in and out the traffic already exist

Internal traffic which is traffic going to Giant or to another store in the shopping center and also purchase gas before exiting the shopping center.

Internal traffic is about 20% of total p.m. peak hour traffic, out of 112 trips, 23 trips are Internal Traffic with the balance made up of Pass - by and true New Traffic which is generated by the pumps.

Albert Champion asked if there was any other location to put the gas pumps?

Mr. Tavani said No there is not.

Albert Champion asked if any sidewalks to connect the shopping centers?

Mr. Tavani said No there is not.

Albert Champion stated that Chili's is close to the pump location, what if want to walk over, can't do that.

Michael Brill stated that it is difficult now to navigate the interconnect road will make it worse. The hardship is could be that consumer go to another store.

Mr. Adelman stated the last thing want is it to be an empty box.

Mr. Adelman would like for Drew Gorman of Echo Realty to testify.

Drew Gorman from Echo Realty was sworn in.

Mr. Gorman stated Echo Realty is the parent company of Echo Bensalem LLC.

It is a Real Estate Development who own 230 properties and each but 2 have a grocery store.

Bought property in 2016 from the prior owner who developed it.

Met with Township with the intention to connect the shopping centers but at the time the owner had issues with connecting it.

Mr. Gorman stated about the location of the pumps.

They checked out the location even at the busiest times and saw that the parking spaces were not being used. Why? The 1<sup>st</sup> reason is that the parking spots are too far from the store and the 2<sup>nd</sup> reason is that it is a left-handed store. They're usually right-handed stores, where produce is on the right and the customer goes around the store from that point. At this Giant store the produce is on the left of the building so customers park to the left of the building to enter the store.

Mr. Gorman stated that as for the Interconnect Road, PennDOT would like to see the traffic pulled off from Street Road. The Interconnect Road would help with that.

Mr. Gorman stated that it is about Giant providing customer convenience.

Mr. Adelman asked that Joe LaCagmina, the Manager of the Giant testify.

Joe LaCagmina was sworn in.

Mr. LaCagmina stated that Giant is looking how to best serve its customers. It is extension of the store and gas pumps will help keep Giant competitive.

Mr. LaCagmina stated that Giant likes the pumps placed in the safest location and likes to place them at the farthest from the starting point which would be the main entrance to the Grocery store.

Joann Redding stated that is also concerned that pedestrians will be crossing over to go into Giant and not enough space now as it is, won't be better with the Interconnect Road, additional traffic.

Mr. Adelman stated that would be a Land Development issue and that the Township is ok with it. Joann Redding stated that the Zoning Board looks at the entire picture.

Mr. Gorman stated that he thinks he gets it with the pedestrians crossing across.  
Mr. Gorman stated that Giant could utilize signs, traffic bumps, etc. to help with pedestrians.

Joann Redding stated that does not think it's best to have it at that spot maybe a 2<sup>ND</sup> spot.

Albert Champion asked if they could put Employee parking lot in the back?  
Mr. Adelman stated that in the back is truck circulation etc., would have to look at it.

Albert Champion stated that the Giant at 413 and Sam's Club don't have gas pumps at store location, they stand alone, have you looked at any alternative properties?  
Mr. Gorman stated that 1<sup>ST</sup> choice is at store location. Have looked at alternative locations but once we get away from store location other issues arise.  
Harry Kramer stated that Giant at 413 used alternative location because it was abandoned gas station that was close by.

George Seymour asked if they've considered adding an additional cut through?  
Mr. Gorman - No

Harry Kramer stated that a difference in the Giant and Chili's parking lots, it goes up about 5ft. not straight across.

Mr. Adelman stated that understands the concerns of the Board.  
They could work with the township and then present to the Board.  
Joann Redding stated to make it viable, give details so that Board can get a good picture of it, a mini land development with the Zoning Board.

Mr. Adelman is requesting a Continuance to April meeting.

**MOTION: Request For A Continuance To April's Meeting For Hearing For Echo Bensalem LLC Appeal 2020 - 0156**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**ITEM 10: HEARING FOR VOLODYMYR LAREMCHUCK APPEAL # 2020 - 0157**

**Location: 4614 Cypress Avenue**

**Tax Parcel: 02 - 005 - 326**

**Request: Variance for side yard setback for Addition**

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Matthew McHugh asked if Mr. Laremchuck has the Certificate of Service for the property owner?

Explained that has to send to the names on the list. Do you have a copy of the letter that gave out?

Volodymyr Laremchuck was sworn in.

Matthew McHugh told Mr. Laremchuck that he had to bring to the Hearing a copy of the letter and proof that gave it out.

Matthew asked Mr. Laremchuck Did you put it into the mailboxes?

Mr. Laremchuck stated that Yes it was put into the mailboxes and he gave a copy of the letter to Matthew McHugh.

Mr. Laremchuck has a 4 x 5 addition.

Joann Redding asked if it was a corner property?

Mr. Laremchuck – Yes.

Albert Champion asked is it a 1 story or a 2 story?

Mr. Laremchuck – 1 story

Ken Farrall stated existing variance was not in compliance that is why notification was sent.

Albert Champion stated it was 1 of those Odd Trevoise Lots.

Joanne Redding asked if anybody in the Audience to speak for/against this Application.  
No Audience Member.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Made To Close Testimony For Hearing for Volodymyr Laremchuck Appeal # 2020 - 0157**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: Made To Approve Variance For Side Yard Setback For Addition For Volodymyr Laremchuck Appeal # 2020 - 0157**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that was giving a copy of the Decision to the Applicant.

**ITEM 11: HEARING FOR DAVID SOWELL APPEAL # 2020 - 0158**

**Location: 35 Pennsylvania Avenue**

**Tax Parcel: 02 - 054 - 035**

**Request: Variance for side and rear yard setback, distance from principal structure for existing carport and size of accessory structure to be more than 25% of the principal structure.**

B-1: Letter to Applicant  
B-2: Proof of Posting  
B-3: Proof of Posting  
A-1: Application and Accompanying Documents  
A-2: Certificate of Service

David Sowell and Delores Sowell were sworn in.

They had the carport for 17 years, They're selling the property and had to go get a U&O and found out it was not in compliance and was told to go to Zoning Board to get a variance to allow existing structure to remain. No complaints etc. about the carport.

Joann Redding asked if Any Audience Member would like to speak for/against this Application.

Ciro Marrond 741 Fedder Road was sworn in.

Mr. Marrond is the current buyer and asked what does have to do if wants to enclose it?  
Ken Farrall stated to go to the Building and Planning Office, and they can look to see what is required.

Sherree McGarry 89 Hooper Road was sworn in.

Ms. McGarry is the Realtor and asked with the variance can get a clear U&O for what is existing now and not anything else.

Joanne Redding - Yes.

Joann Redding asked for a Motion to Close Testimony

**MOTION: Made To Close Testimony For David Sowell Appeal # 2020 - 1058**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: To Approve Variance For Side And Rear Yard Setback, Distance From Principal Structure For Existing Carport And Size Of Accessory Structure To Be More Than 25% Of The Principal Structure.**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: Harry Kramer**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that was giving a copy of the Decision to the Applicant.

**ITEM 12: HEARING FOR TIMOTHY BYRNE - OMNIVERSE PROPERTY GROUP  
LLC APPEAL # 2020 - 0161**

**Location: 3427 West End Avenue**

**Tax Parcel: 02 - 004 -148**

**Request: Variance to use property as a multi - family dwelling**

B-1: Letter to Applicant

B-2: Proof of Publication

B-3: Proof of Posting

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Keith Billingmyer is Attorney for the Applicant.

Timothy Byrne, Applicant was sworn in.

Mr. Billingmyer stated that the property was purchased in 2018, the house was in bad shape and the Applicant rehabbed it. The Realtor told Applicant it was a multi - family multi - use dwelling. It has 3 outside Peco meters, 2 oil tanks and 2 mailboxes which made the Applicant believe it was a multi-family multi use property. Applicant has completed renovations and is currenting renting to a family but wants to use it as 2 separate dwellings.

Applicant was told by Building and Planning that couldn't use it as a multi-family multi use property because it's located in R-2 Zoning District.

Mr. Billingmyer asked Mr. Byrne is everything that Mr. Billingmyer stated was true and accurate about the property?

Mr. Byrne -Yes, it is.

Mr. Billingmyer asked Mr. Byrne if it is going to be a Recovery House?

Mr. Byrne stated that No it is 2 separate families who going to live at the property.

Mr. Byrne states that there is plenty of parking.

Mr. Byrne states that the house has multiple electric meters and mailboxes.

Mr. Billingmyer stated to Mr. Byrne, So there was never any intent to use it as a Recovery Unit?

Mr. Byrne - No

Mr. Billingmyer asked Mr. Byrne How many vehicles can be parked at property?

Mr. Byrne stated it has a 2 - vehicle garage, 2 vehicles can fit in the driveway, and 3 vehicles can park out front of the property.

Mr. Billingmyer asked Mr. Byrne who is going to maintain the property?

Mr. Byrne stated that is going to be at the property 1x a month and also has a Property Management Company to handle issues.

Joann Redding asked if it was a single - family dwelling before bought?

Mr. Byrne stated that was told it was a multi - family dwelling but that was lied to.

Joann Redding asked Mr. Byrne if Mr. Byrne owned other properties?

Mr. Byrne - Yes.

Mr. Byrne stated that went through somebody else and that it was spec out as multi - family unit.

Mr. Byrne, yourself or the Realtor could have asked for clarification.

Joann Redding stated that the Applicant created a hardship when created a 2 - family unit in a Zone R-2 district.

Albert Champion asked Mr. Byrne how many properties do you have?

Mr. Byrne - have 3 in this vicinity and 14 in Baltimore. Am a fairly new investor.

Joann Redding stated that knows the property was advertised as in - law suite.

Joanne Redding asked Mr. Byrne if got permits.

Mr. Byrne – Yes, didn't change the interior, replaced electric, plumbing, etc.

Chrissy Savage from Building and Planning said that had to make changes to get permit.

Joann Redding – Did you make modifications to it?

Mr. Byrne – Yes had to make a door.

Then went to get U& O denied, can't be a multi – family dwelling as only zoned as single - family dwelling

George Seymour – Mr. Byrne How long have you been doing this?

Mr. Byrne – a long time.

Albert Champion – Any prior U&O

Ken Farrall- No, it was in law suite and it was unpermitted as that.

Albert Champion – Mr. Byrne how did you find out about this purchase?

Mr. Byrne – Ruth Anderson estate after death. The person who had control of the property is still around, with them they had interior motive with selling.

Joann Redding asked if any Audience Member would like to speak for/against this Application.

Lynn Bittner, 3423 West End Avenue, was sworn in.

Next to property, small houses, there's not 3 parking spots. Was notified last night about this it was in the mailbox, called the Township and Tomlinson's Office to complain about it. They want to make it a Rehab House, look at his T-shirt. Police and ambulance have been at the location. Against it.

Mark Allen, 3405 West End Avenue, was sworn in.

Mr. Allen is 3 houses from this property, over 32 years, walks by it.

They want to change it and am not ok with it.

The traffic, the noise, vehicles at times can't get down the street, enough is enough, want to bring chaos to the neighborhood.

Against it.

Henry Arment, West End Avenue was sworn in. lived in neighborhood 50 years; traffic has gotten worse this will add to it. Also, emergency vehicles and plows have issues getting down the street. Against it.

Nora Schreiber McDonough, 3337 Chestnut Avenue, was sworn in.

3<sup>RD</sup> generation living in the house since 1922. These houses are 200 years old. I came to support neighbors. The lady who owned that house was a nice lady.

Boarding houses back in the day, Methodist Retreat, people from Philadelphia used them to get away from city life and when the Depression hit, they sold houses in Philadelphia and moved to this neighborhood. Many of the homes have 2 electric meters, PECO used to peak and off-peak meters. Many have 2 oil tanks, 1 in the ground and 1 above ground. 2 Mailboxes because 1 was at the house and then it was moved to the street and then back to the house. The current tenant attempted to burn house down to the ground and was arrested but Mr. Byrne didn't mention that. It is a good neighborhood; we don't need a Rehab house. Against it.

Frances McHugh, 3424 Trevoise Avenue, was sworn in. Mrs. McHugh lives behind the property. Ruth Anderson lived in the house with adult children and grandchildren. Garage behind the house have to cut through our property so they can get to it. Had a fence put up in the yard, didn't include ¼ of the property so could get to the garage. I'm a bus driver and I can say that there is no parking. Would like to get my piece of my land back. Having a lawyer looking into it.

Albert Champion stated so it's a rear access drive, In Trevoise people owned a lot of parcels together so they had that.

Frances McHugh - Yes

Albert Champion stated the house on the property was a 7-bedroom house, large family belonging to Ruth Anderson it was not a multi - family dwelling.

Mr. Billingsmyer stated that it's not going to be a flop house, the applicant spent \$110,000.00 to renovate and make improvements to the property. Can't control everything that the tenant does or has done, can't throw them out with going through eviction process.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: To Close Testimony for Timothy Byrne – Omniverse Property Group LLC  
Appeal # 2020 - 0161**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Michael Brill**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: To Deny Request For Variance To Use Property As A Multi - Family Dwelling For Timothy Byrne - Omniverse Property Group LLC Appeal # 2020 - 0161**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Michael Brill**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that a copy of the Decision is being given to the Applicant's Attorney.

**ITEM 13: HEARING FOR TERRY AND AMELIA CHONG APPEAL # 2020 - 0162**

**Location: 4851 Street Road**

**Tax Parcel: 02 - 004 - 184 - 001**

**Request: Variance to use Parking in front yard, parking, access drives setback, drive aisles, steep slope and landscaping.**

Matthew McHugh asked Terry and Amelia Chong if they had an Attorney to represent them.

Mrs. Chong stated that the Township said a Lawyer didn't have to be present.

Matthew McHugh stated that when it is titled as an LLC Corporation, must be represented by Counsel. Otherwise it is unauthorize practice of law, an individual can't do it.

Since Mr. and Mrs. Chong are not represented by an Attorney, they'll have to ask for a Continuance and bring an Attorney with them to the Continued Hearing.

**MOTION: For A Continuance to March Meeting for Terry and Amelia Chong Appeal # 2020 - 0162**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**ITEM 14: HEARING FOR DENNIS AND STEPHANIE SKLAR APPEAL # 2020 – 0180**

**Location: 2837 Odgen Avenue**

**Tax Parcel: 02 - 062 - 464**

**Request: Variance for impervious surface coverage for existing swimming pool.**

B-1: Letter to Applicant

B-2: Proof of Publication

B-3: Proof of Posting

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Dennis Sklar was sworn in.

Mr. Sklar sold the house and have a temporary U&O, have to get variance for impervious surface coverage for constructed swimming pool.

The swimming pool is 3ft. and was installed in 2009.

Albert Champion asked if any water flood issues, any complaints?

Mr. Sklar stated No, it was trenched out with stones to help with the drain.

No complaints.

Joann Redding asked if any Member of the Audience would like to speak for/against this Application?

No Audience Member.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Motion to Close Testimony for Dennis and Stephanie Sklar Appeal # 2020 – 0180**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MOTION: To Approve Variance for Impervious Surface Coverage for Constructed Swimming Pool For Dennis and Stephanie Sklar Appeal # 2020 - 0180**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

Matthew McHugh stated that giving a copy of the Decision to Applicant.

**ITEM 15: HEARING FOR MJ REAL ESTATE ENTERPRISES LP & AREPII BC INDUSTRIAL LLC & TACTIC APPEAL # 2020 - 0183**

**Location: 2540 Metropolitan Drive**

**Tax Parcel: 02 - 003 - 006 -001**

**Request: A Special Exemption to permit light metal processing and manufacturing of electric equipment business.**

Matthew McHugh stated that Applicant's Attorney is requesting a Continuance.

**MOTION: To Grant A Continuance to Re-Advertise with Additional Variance For Hearing For MJ Real Estate Enterprises LP & AREPII BC Industrial LLC & Tactic Appeal # 2020 - 0183**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**ITEM 15: CORRESPONDENCE**

**ITEM 16: ADJOURNMENT**

Joann Redding asked for a Motion to Close the Meeting.

**MOTION: Motion Made to Close Meeting.**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: George Seymour**

**VOTES AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**MOTION CARRIED: 5 – 0**

**MEETING IS ADJOURNED.**

**MINUTES SUBMITTED BY: Donna Sponheimer – Smith**

**THE MINUTES ARE NOT VERBATIM, THEY'RE A SYNOPSIS OF THE MEETING.**

